

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IRFAN GOKCE,

Plaintiff,

V.

DAVID JENNINGS, *et al.*,

Defendants.

Case No. C08-5293 BHS/KLS

**ORDER TO SHOW CAUSE AND
ORDER DENYING MOTION
FOR PROMPT RELEASE FROM
CUSTODY**

This matter comes before the court on Plaintiff's "motion for prompt release from custody." (Dkt. # 3). Plaintiff is a detainee at the Northwest Detention Center. (Dkt. # 3). Plaintiff has filed a proposed civil rights complaint, but did not pay the filing fee or file an application to proceed *in forma pauperis*. (Dkt. # 1). The Court Clerk sent a letter to Plaintiff on May 13, 2008, advising Plaintiff that he must pay the filing fee or submit a completed application to proceed *in forma pauperis* by June 12, 2008. (Dkt. # 2). Plaintiff has not done either.

In his motion for release from custody, Plaintiff states that officials at the Northwest Detention Center are refusing to provide him with copies of his inmate trust fund account and copies of the *in forma pauperis* application, acknowledgment and authorization and written consent forms, and that he must prepare all of his documents with a pencil. *Id.*

Plaintiff is not required to submit a copy of his inmate trust fund account for the past six months in order to proceed *in forma pauperis* in this court. However, he must complete the *in forma pauperis*

1 application and must sign and submit the consent form. Plaintiff may complete and sign these forms in
2 pencil so long as he does so clearly and legibly. The court will provide the Plaintiff with two copies of
3 each form so that he may complete them in duplicate. Alternatively, Plaintiff may pay the filing fee of
4 \$350.00 to proceed with his lawsuit.

5 Plaintiff's request to be released from custody is not a remedy available in a civil rights action.
6 Plaintiff has previously challenged his detention and his petition for writ of habeas corpus was denied and
7 dismissed with prejudice. *See* C06-1536TSZ (Dkt. # 19 therein).

8 Accordingly, the Court **ORDERS** the following:

9 (1) Plaintiff shall provide the court with a completed application to proceed *in forma pauperis*
10 and signed consent form on or before **July 25, 2008**. Alternatively, Plaintiff may pay the \$350.00 filing
11 fee. **Failure to cure these deficiencies by the above date shall be deemed a failure to properly
12 prosecute this matter and the court will recommend dismissal of this matter;**

13 (2) Plaintiff's motion for release from custody (Dkt. # 3) is **DENIED**; and

14 (3) The Clerk is directed to send a copy of this Order to Plaintiff, along with **two copies** of the
15 appropriate forms.

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17 DATED this 1st day of July, 2008.

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21 Karen L. Strombom
22 United States Magistrate Judge
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